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December 10, 2004

VIA FACSIMILE (617) 227-4420
AND FIRST CLASS MAIL

John T. Bennett, Esq.
Palmer & Dodge, LLP
111 Huntington Avenue at Prudential Center
Boston, MA 02199

Re: Subpoena in a Civil Case, Case No.: 04-10535 PBS
Served Upon Robert I. Adler

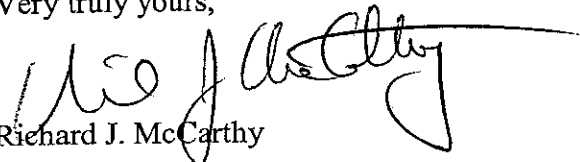
Dear John:

This is to confirm your telephone message that the deposition of Robert Adler noticed for Monday, December 13, 2004 is to be rescheduled.

With respect to the balance of your message concerning objections to the document subpoena and the rescheduling of Mr. Adler's deposition:

1. We will transmit a complete set of responses and objections by Wednesday, December 16, 2004. Any non-privileged responsive documents which are not affected by those objections and which have been found from our search will be produced on or before Tuesday, December 21, 2004.
2. I have checked my calendar and with Mr. Adler concerning our availability for deposition. We are available on Friday, January 7, and Tuesday, January 11. Please let me know whether either of those dates works for you.

Very truly yours,


Richard J. McCarthy

RJM:clv